

AG Contract No : KR097-0122  
ADOT ECS File No.. JPA 97-006  
**Amendment One**  
TRACS: H452901C  
Section: US 95 & Avenue A  
Budget Source Item No : **35798 & 71205**

**INTERGOVERNMENTAL AGREEMENT  
AMENDMENT ONE  
BETWEEN  
THE STATE OF ARIZONA  
AND  
THE CITY OF YUMA**

THIS AGREEMENT is entered into this date 22nd of April 2005, **Amendment One** to JPA 97-006, AG Contract No. KR097-0122TRN filed with the Secretary of State under No 21576 pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF YUMA, acting by and through its MAYOR and CITY COUNCIL, (the "CITY").

**I. RECITALS**

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 to enter into this Agreement and has by resolution a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the City.

**THE PURPOSE OF THIS AMENDMENT** is to increase and identify the funding source per original agreement JPA 97-006, executed on May 29th, 1997, Tracs No **H4529 01C**, budget item number **35798**. The additional increase of \$199,000.00 for the project will come from State Wide Signal Funds budget item number **71205**. The Project funding will not exceed \$699,000.00.

**THEREFORE**, in consideration of the mutual agreements expressed herein, this Agreement is amended as follows:

#01  
NO. 21576  
Filed with the Secretary of State  
Date Filed: 04/22/05

Janice K. Brewer  
Secretary of State

By: Darryl J. Greenwald

**II. SCOPE OF WORK**

1. The City hereto acknowledge the following conditions:

The following shall replace Article II.1.c:

c. Subsequent to the full execution of this Agreement, the City will invoice the State for the cost of the Project, plus up to eight percent (8%) of the construction cost for construction engineering, for an amount of and not to exceed \$699,000.00.

2. The State hereto acknowledge the following conditions:

The following shall replace Article II.2.c:

c. Upon receipt and approval of an invoice from the City remit to the City for the direct actual cost of the Project plus up to eight percent (8%) construction engineering, in an amount not to exceed \$699,000.00.

9. All notices or demands upon any party to this Agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation  
Joint Project Administration  
205 South 17th Avenue, Mail Drop 616E  
Phoenix, AZ. 85007 FAX (602) 712-7424

City Administrator  
City of Yuma  
One City Plaza  
P.O. Box 13014  
Yuma, AZ 85366-3014

**EXCEPT AS AMENDED HEREIN, ALL OTHER terms and conditions of the original Agreement remain in full force and effect.**

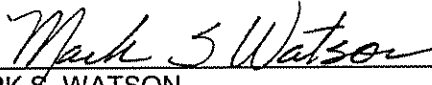
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**CITY OF YUMA**

**STATE OF ARIZONA**

Department of Transportation

By

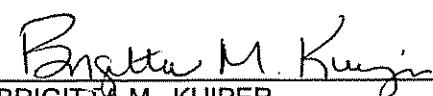
  
MARK S. WATSON  
City Administrator

By

  
DOUGLAS A. FORSTIE P.E.  
Deputy State Engineer, Operations

ATTEST

By

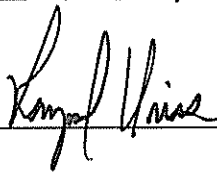
  
BRIGITTA M. KUIPER  
City Clerk

ATTORNEY APPROVAL FORM

FOR THE CITY OF YUMA

I have reviewed the above referenced intergovernmental agreement between the DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and the CITY OF YUMA, an agreement among public agencies, which, has been reviewed pursuant to A.R.S. section 11-951 through 11-954, and declares this agreement to be in proper form and within the powers and authority granted to the CITY under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this agreement.

DATED this 17 day of March, 2005.

  
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Attorney



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ARIZONA

TERRY GODDARD  
ATTORNEY GENERAL

CIVIL DIVISION  
TRANSPORTATION SECTION  
WRITER'S DIRECT LINE 602.542.8855


**INTERGOVERNMENTAL AGREEMENT**  
**DETERMINATION**

A.G. Contract No. KR97-0122TRN (JPA97-006), an Agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED 4-18-, 2005.

TERRY GODDARD  
Attorney General

  
SUSAN E. DAVIS  
Assistant Attorney General  
Transportation Section

SED:dgr  
Attachment  
900971